

Town Board Minutes

March 15, 2010

Meeting No. 8

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 15th day of March 2010 at 8:00 P.M. and there were

PRESENT: JOHN ABRAHAM , COUNCIL MEMBER
MARK AQUINO, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
LEONARD CAMPISANO, ASST. CODE ENFORCEMENT OFFICER
GARY STOLDT, CHIEF OF POLICE
DAVID MARRANO, ASSESSOR
TERRENCE McCracken, GENERAL CREW CHIEF
DANIEL AMATURA, HIGHWAY SUPERINTENDENT
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES
LOUIS CACCIOTTI, DEPUTY HIGHWAY SUPERINTENDENT

PERSONS ADDRESSING TOWN BOARD:

Fronczak, Mike, spoke to the Town Board on the following matters:

- Auction of surplus Town equipment
- Heritage Trail

Enser, Jim, spoke to the Town Board on the following matter:

- Assessment of his home

Hon. Mark Montour Lancaster Town Justice, spoke to the Town Board on the Program entitled “Lancaster Cares” to be held for informational purposes for the Town Board on Monday, March 29, 2010 at 7 P.M. at the Youth Bureau.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AQUINO, TO WIT:

RESOLVED, that the minutes of the the Regular Meeting of the Town Board
held March 1, 2010 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 15, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AQUINO, WHO
MOVED IT’S ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, §1660 (18) Vehicle and Traffic Law permits the Town to designate the location of stop signs and no-passing zones affecting town roads outside of the Villages of Lancaster and Depew, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, “VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER”,

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on proposed amendments to the Vehicle & Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 5th day of April 2010, at 8:30 o’clock P.M., Local Time, and that Notice of the Time and Place of such hearing will be published in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 15, 2010

LEGAL NOTICE
PUBLIC HEARING
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK
DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 15th day of March, 2010, the said Town Board will hold a Public Hearing on the 5th day of April, 2010, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

CHAPTER 46

**Article VIII, STOP INTERSECTIONS; NON-INTERSECTION
STOPS; YIELD INTERSECTIONS**

**46-8.1 Stop Intersections designated, is hereby amended by adding
thereto the following:**

WINDSOR RIDGE SUBDIVISION PHASE I(b)

<u>STREET NAME</u>	<u>INTERSECTING STREET</u>	<u>SIGN LOCATION</u>
Chestnut Corner	WorthingtonLane	N.W. Corner
Worthington Lane	Chestnut Corner	N.E. Corner
Chestnut Corner	Worthington Lane	S.E. Corner
Worthington Lane	Parliament Lane	N.E. Corner
Worthington Lane	Parliament Lane	S.W. Corner
Parliament Lane	Worthington Lane	S.E. Corner
Parliament Lane	Chestnut Corner	N.W. Corner
Parliament Lane	Chestnut Corner	S.E. Corner
Chestnut Corner	Parliament Lane	S.W. Corner

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: JOHANNA M. COLEMAN
Town Clerk

March 15, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc., by letter dated
March 1, 2010, has requested the addition of a member to the roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms
the addition to the membership of the Town Line Volunteer Fire Department the following
individual:

ADDITION:

Anthony Syracuse
Lancaster, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll
call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 15, 2010

File: RFIRE (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AQUINO, TO WIT:

WHEREAS, Terrence McCracken, the General Crew Chief of the Town of Lancaster, has advised the Town Board on March 5, 2010 that the Department of Parks, Senior Facility and Buildings & Grounds are in possession of the following: 1994 Chevrolet 4 x 4 Pickup Truck (VIN# 1GCHK34R4TE110922) and a 1990 Dodge Ram Truck (VIN# 3B7KF2669XM540694) which are no longer of use to the Department of Parks, Senior Facility and Buildings & Grounds due to natural wear and tear, and therefore has requested that the Town Board deem the property to be surplus property and expose them to auction; and

WHEREAS, the Town Board has given due consideration to the request of the General Crew Chief, Terrence McCracken, and deems it in the public interest to declare the before mentioned property to be surplus property as the property is no longer safe to utilize within the Department of Parks, Senior Facility and Buildings & Grounds due to natural wear and tear and permit an auction of same;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby declares the before mentioned 1994 Chevrolet 4 x 4 Pickup Truck and 1990 Dodge Ram Truck to be surplus property and authorizes the General Crew Chief to cause the auction of the before described property in an “as is” condition at an auction as deemed appropriate by Terrence McCracken, the General Crew Chief with the funds which are received at auction to be made payable to the Town of Lancaster and delivered to the Town Supervisor’s Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 15, 2010
File: rauctionParksDeptVehicle310

**LEGAL NOTICE
PUBLIC AUCTION
OF TOWN OWNED SURPLUS EQUIPMENT**

Notice is hereby given that the Department of Parks, Senior Facility and Buildings & Grounds of the Town of Lancaster has a 1994 Chevrolet 4 x 4 Pickup Truck and a 1990 Dodge Ram Truck which are deemed surplus equipment and will be auctioned at the Lancaster Speedway, 57 Gunnville Road, Lancaster, New York sponsored by Scott Perry & Company, 2019 River Road, Niagara Falls, New York 14304 on April 3, 2010.

Successful bidders must provide a payment of 10% of the bid price offered payable to the Town of Lancaster. The balance from the successful bidder is due 48 hours after the auction.

The surplus equipment may be inspected at the Department of Parks, Senior Facility and Buildings & Grounds of the Town of Lancaster, 525 Pavement Road, Lancaster, New York by contacting the Parks and Recreation Department at 683-3320 to make an appointment.

THE FOLLOWING RESOLUTION WAS OFFERED
COUNCIL MEMBER AQUINO, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER ABRAHAM, TO WIT:

WHEREAS, Tricorp Amusements, Inc., 5 Veronica Lane, Somerset, New Jersey, has applied for a license to operate and maintain a Game Room on premises of the Regal 16 Cinemas at 6707 Transit Road, within the Town of Lancaster, pursuant to Chapter 17 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Chief of Police for review and recommendation, and

WHEREAS, the Building Inspector and Chief of Police have completed their review and made a formal, favorable recommendation to the Town Board on the issuance of this license.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and is hereby authorized to issue a license to Tricorp Amusements, Inc., 5 Veronica Avenue, Somerset, New Jersey to operate and maintain a Game Room on premises of the Regal 16 Cinemas at 6707 Transit Road, Lancaster, New York, and

BE IT FURTHER

RESOLVED, that said license shall be issued for the **one (1) year period of April 1, 2010 to May 31, 2011** in accordance with the application of the petitioner, as filed in the Town Clerk's Office, accompanied with a license fee of \$600 for eight (8) amusement devices.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 15, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AQUINO, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau, by letter dated March 1, 2010, has recommended the appointment of Stacey Williams, Buffalo, New York to the position of regular part time tutor with the Youth Bureau of the Town of Lancaster.

_____ **NOW, THEREFORE, BE IT**

RESOLVED, that Stacey Williams of Buffalo, New York be and is hereby appointed to the position of tutor regular part time not to exceed nineteen hours per week in the Town of Lancaster Youth Bureau effective March 15, 2010, at the rate of \$15.00 per hour, and that this appointment, being a part time position, provides no health insurance, sick days, vacation, or other fringe benefits not specifically mandated for regular part time employees.

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 15, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter dated March 9, 2010, has requested the addition of a member to the roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Twin District Volunteer Fire Company the following individual:

ADDITION:

Vincent Mordino
Lancaster, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 15, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AQUINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, Wm. Schutt & Associates, P.C., the Town of Lancaster’s consulting engineer, has requested that the Town Board authorize an invitation to bid for the Consolidated Water District Water System Improvements Contract No. TLN-4, and

WHEREAS, the Town Board has given due review and consideration to the request and deems it in the public interest to invite public bids in conformance with General Municipal Law §103 of the State of New York;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby invites public bid for Contract No. TLN-4, said bids to be in conformance with the plans and specifications which are available at the office of Clough Harbour & Associates, LLP, 295 Main Street, Buffalo, New York 14203-2509 and to be received in the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York, no later than 11:00 A.M. Local Time on April 7, 2010, and opened thereafter.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 15, 2010
File: rconsolidatedwatercontractTLN4-310

TOWN OF LANCASTER
ERIE COUNTY, NEW YORK

WATER SYSTEM IMPROVEMENTS
CONTRACT NO. TLN-4

NOTICE TO BIDDERS

Please take notice that the Town of Lancaster will receive sealed bids until 11:00 A.M. on the 7th day of April, 2010, at the office of the Town Clerk in the Town Hall, 21 Central Avenue, Lancaster, New York, at which time they will be publicly opened and read aloud for WATER SYSTEM IMPROVEMENTS, CONTRACT NO. TLN-4. The Project consists of the replacement of: the existing 8" main on the south side of William Street between Transit Road and Aurora Street, the existing 6" main on the north side of William Street between Aurora Street and Lake Avenue, and the existing 8" main on the east side of Ransom Road between Hall Road and Simme Road.

Contract Documents may be examined at the office of the Town Clerk, 21 Central Avenue, Lancaster, New York 14086, at the offices of the Town Engineer, Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York 14086, and at the offices of the ENGINEER, CHA, Inc., 2200 Main Place Tower, Buffalo, NY 14202 between the hours of 9:00 A.M. and 4:00 P.M. beginning March 22, 2010 except Saturdays, Sundays, and Holidays.

Contract Documents may be obtained at the office of the ENGINEER upon deposit of \$50.00 for each set in the form of two (2) \$25.00 checks made payable to the ENGINEER. If requested in writing, the ENGINEER will mail the Contract Documents to those wishing to obtain a set upon receipt of the \$50.00 deposit plus a non-refundable mailing charge of \$25.00 per set, made payable to the ENGINEER. The mailing date will be considered the bidder's date of receipt. Partial sets of Contract Documents will not be available.

Unsuccessful bidders who return full sets of documents in good condition within thirty (30) days of award of the contract will receive a full refund. Non-bidders will be refunded one-half of the document deposit upon return of full sets of contract documents within thirty (30) days of award of the contract.

Each bid proposal shall be submitted in a sealed envelope, clearly marked: "BID ENCLOSED - "WATER SYSTEM IMPROVEMENTS, CONTRACT NO. TLN-4" and must be accompanied by a bid bond or a certified check made payable to the Town of Lancaster, in the amount of five percent (5%) of the total amount of the bid.

The Town reserves the right to reject any and all bids, to consider the reputation and experience of any bidders in making its selection, to waive any informalities or minor deviations from the specifications, and to award the contract to other than the lowest bidder if considered to be in the best interest of the Town of Lancaster.

All bids shall be submitted intact on bidding form available for that purpose, and addressed to:

Johanna Coleman
Town Clerk
Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

ENGINEER
CHA, Inc.
2200 Main Place Tower
Buffalo, New York 14202-3722
(716) 847-6310

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER, NY

Johanna Coleman
Town Clerk
March 15, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AQUINO, TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster, by letter dated March 9, 2010, has requested authorization to send two (2) members of the Lancaster Police Department’s SWAT Team to the annual New York State Tactical Training Conference to be held in Verona, New York from April 27, 2010 to April 29, 2010. The total cost for this conference, including registration fees and lodging, will be less than \$800.00.

NOW, THEREFORE, BE IT

RESOLVED, that the Chief of Police of the Town of Lancaster is hereby authorized to send two (2) members of the Lancaster Police Department’s SWAT Team to the annual New York State Tactical Training Conference to be held in Verona, New York from April 27, 2010 to April 29, 2010.

BE IT FURTHER

_____ **RESOLVED**, that the total cost for the above-mentioned conference, including registration and lodging, is hereby authorized in an amount not to exceed \$800.00, and that said reimbursement will be made only upon submission of proper documentation and substantiation of expenses, including receipts, to the Accounting Department of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 15, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER ABRAHAM, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 12728 to Claim No. 12939 Inclusive

Total amount hereby authorized to be paid: \$402,077.96

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 15, 2010

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AQUINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:
(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver
(V/L) = Village of Lancaster

PREVIOUSLY TABLED PERMITS:

16415	Grau Builders	11 Logan Ln	Er. Dwlg.-Sin.
16993	Grau Builders	24 Logan Ln	Er. Dwlg.-Sin.

NEW PERMITS:

17695	Dato Development LLC	147 Slate Bottom Dr	Er. Townhouses
17696	Dato Development LLC	149 Slate Bottom Dr	Er. Townhouses
17697	Dato Development LLC	151 Slate Bottom Dr	Er. Townhouses
17698	Dato Development LLC	153 Slate Bottom Dr	Er. Townhouses
17699	Dato Development	155 Slate Bottom Dr	Er. Townhouses
17700	Dato Development LLC	157 Slate Bottom Dr	Er. Townhouses
17701	Rivera Enterprises	304 Pleasant View Dr	Dem. Dwlg.
17702	Marrano/Marc Equity	6 Sterling Pl	Er. Dwlg.-Sin.
17703	Marrano/Marc Equity	41 Avian Way	Er. Dwlg.-Sin.
17704	Marrano/Marc Equity	21 Carlisle St	Er. Dwlg.-Sin.
17705	Patrick Homes	6 Parliament Ln	Er. Dwlg.-Sin.
17706	Olszewski, Edwin	630 Columbia Ave	Er. Deck
17707	Regent Contracting	4893 Transit Rd	Er. Comm. Alt.
17708	Forbes Capretto	46 Wainwright Ct	Er. Dwlg.-Sin.
17709	Essex Homes	28 Tranquility Trl	Er. Dwlg.-Sin.
17710	Essex Homes	6 Tranquility Trl	Er. Dwlg.-Sin.
17711	Prestige Designs	4 Parliament Ln	Er. Dwlg.-Sin.
17712	Schuster Construction	24 School St	Re-Roof (V/L)
17713	Sugg, Richard	89 Bowen Ave	Re-Roof (V/L)
17714	Forbes Homes	39 Sawgrass Ln	Er. Dwlg.-Sin.

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

SUSPENDED RESOLUTION

Supervisor Giza requested a suspension of the necessary rules for the immediate consideration of the following resolution:

UPON A MOTION DULY MADE BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER AQUINO AND CARRIED, a suspension was granted.

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster after due review and consideration has determined that certain real property S.B.L. No. 127.06-2-1 owned by the Town is surplus property as the Town has not made use of the property and has no future use under consideration, and

WHEREAS, the Town Board has further determined that the sale of such surplus property is in the interest of the residents of the Town as it will provide revenue to the Town, and

WHEREAS, the Town has obtained an appraisal by Eastern Appraisal Consultants, Inc., for the property and deemed it to be valued at Nine Thousand Dollars (\$9,000.00), and

WHEREAS, a public notice was published in the Lancaster Bee on January 28, 2010 advising the public of said auction, and

WHEREAS, a public auction of said property was held on February 6, 2010 at the Town Hall, with the highest bidder being the Reverend Christopher Baldwin of the Vine Wesleyan Church, 5335 William Street, in the Town of Lancaster, New York in the amount of Nine Thousand Dollars (\$9,000.00) and was subject to permissive referendum pursuant to §64 (2) of the Town Law;

WHEREAS, the Town Board hereby directs the Lancaster Town Attorney to draft the appropriate paperwork and file the Deed.

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby makes a determination that the following parcel is surplus property to the Town to wit:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 71, Section 10, Range Six (6), of the Buffalo Creek Reservation and more particularly bounded and described as follows:

BEGINNING at the northeast corner of said lot 71, Township 10 Range 6 said point of beginning also being the northwest corner of Subdivision Lot No 83 of the Summerfield Farms Subdivision, Phase One as shown on a map filed in the Erie County Clerk’s Office under Map Cover No. 3007;

THENCE South 89°47'18"West along the northerly line of Lot 71 and the northerly line of the Summerfield Farms Subdivision Phase One under Map Cover 3007, a distance of 714.36 feet to a point in the northerly line of Summerfield Drive as show on said Map Cover 3007;

THENCE South 79°09'19" East along the northerly line of Summerfield Drive a distance of 104.29 feet;

THENCE North 89°47'18" East, continuing along the northerly line of Summerfield Drive a distance of 529.03 to a point of curvature;

THENCE Southeasterly, continuing along the northerly line of Summerfield Drive on curve to the right having a radius of 283.00 feet, an acre distance of 84.24 feet to the southwest corner of Subdivision Lot No. 83 under Map Cover 3007

THENCE North 00°15'09" West, along the westerly line of Subdivision Lot No. 83 under Map Cover 3007 distance of 32.45 feet, to the point and place of beginning.

Subject to easements, rights of way and restrictions of record, if any.

Parcel has a tax I.D. No. 127.06-2-1 on the Town of Lancaster tax roll.

BE IT FURTHER

RESOLVED, that the Town Board hereby authorizes the Supervisor of the Town of Lancaster to accept the highest bid that was offered by Reverend Christopher Baldwin of the Vine Wesleyan Church, 5335 William Street, in the Town of Lancaster, New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 15, 2010

COMMUNICATIONS & REPORTS

86. Highway Superintendent to Planning Board Chairman -
Notice of no concerns regarding proposed Urgent Care Facility, Transit Road.
DISPOSITION = Planning Committee
87. Planning Board Chairman to Planning Board -
Letter regarding Lancaster Central School District census. DISPOSITION = Received & Filed
88. Erie County Sewerage Management to Town Attorney -
Notification of lead agency designation regarding rezone application for Coconut Creek Development II, 5059 Transit Road. DISPOSITION = Received & Filed
89. Silvestri Architects, PC to Town Board -
Notice of withdrawal of rezone petition for Coconut Creek Development II, 5059 Transit Road. DISPOSITION = Received & Filed
90. NYS DEC to Town Clerk -
Notice of proposed amendment to the Wetland Map for the Town of Lancaster.
DISPOSITION = Town Engineer
91. Time Warner Cable to Supervisor -
Notification of cable television developments within the Town.
DISPOSITION = Received & Filed
92. NYS DEC to Town Attorney -
Comments regarding rezone petition for Coconut Creek Development II, 5059 Transit Road. DISPOSITION = Received & Filed
93. Code Enforcement Officer to Town Clerk -
Recommendation to approve issuance of Game Room License to Regal 16 Cinemas, 6707 Transit Road. DISPOSITION = Resolution 3/15/10
94. Erie County Department of Environment & Planning to Town Clerk -
Notification of lead agency designation regarding proposed Urgent Care Facility, 4827 Transit Road; comments and concerns noted. DISPOSITION = Planning Committee
95. Town Clerk to Town Board -
Monthly report for February 2010. DISPOSITION = Received & Filed
96. Town Clerk to Town Board -
Transmittal of first settlement payment to Erie County for 2010 County/Town Tax Warrant. DISPOSITION = Received & Filed
97. Town of Cheektowaga to Town Clerk -
Notice of public hearing to be held March 15, 2010 at 6:45 PM in Cheektowaga regarding proposed bakery/restaurant at 4910-4940 Transit Road. DISPOSITION = Received & Filed
98. Hon. Ron Canestrari, NYS Assembly to Town Clerk -
Acknowledgment of receipt of Town Board resolution regarding household hazardous waste. DISPOSITION = Received & Filed
99. Town Line Fire Department to Town Clerk -
Request for change in roster. DISPOSITION = Resolution 3/15/10
100. General Crew Chief to Supervisor -
Request resolution to deem certain vehicles surplus property for auction.
DISPOSITION = Resolution 3/15/10
101. Village of Lancaster to Town Board -
Minutes of meeting held February 22, 2010. DISPOSITION = Received & Filed
102. NYS DEC & Federal Emergency Management Agency to Town Clerk -
Notice of three Public Open Houses to be held regarding the Erie County Flood Insurance Rate Maps. DISPOSITION = Received & Filed

103. NYS DEC to Planning Board Chairman -
Comments regarding proposed Tool Ranch addition, 3857 Walden Avenue.
DISPOSITION = Planning Committee
104. Chief of Police to Town Clerk -
Recommendation to approve issuance of Game Room License to Regal 16 Cinemas, 6707 Transit Road. DISPOSITION = Resolution 3/15/10
105. NYS DEC to Town Attorney -
Notice of Lead Agency Designation regarding proposed Urgent Care Facility, 4827 Transit Road; comment noted. DISPOSITION = Planning Committee
106. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent, Building Inspector -
Draft copy of minutes of meeting held March 3, 2010. DISPOSITION = Received & Filed
107. Planning Board to Town Board -
Recommendation to allow time reviewing and summarizing Town of Alden Comprehensive Plan to be counted toward annual training time for 2010 for Member Steven Socha. DISPOSITION = Received & Filed
108. Executive Director, Youth Bureau to Supervisor -
Request appointment of Stacey Williams as regular part time tutor. DISPOSITION = Resolution 3/15/10
109. Planning Board to Town Board -
Recommend approval regarding site plan for Urgent Care Facility, 4827 Transit Road; conditions noted. DISPOSITION = Planning Committee
110. Erie County Sewerage Management to Supervisor -
Notice of Lead Agency Designation regarding site plan for Urgent Care Facility, 4827 Transit Road; comments and recommendation noted. DISPOSITION = Planning Committee
111. Town Attorney to Supervisor -
Notice of withdrawal of request by Bowmansville Volunteer Fire Association to authorize funding for a new ladder truck. DISPOSITION = Received & Filed
112. NYS DEC to Bella Vista Group -
Response to letter dated February 26, 2010 regarding rezone petition of 81 & 3 of Florida for proposed apartments on Transit Road north of William Street.
DISPOSITION = Planning Committee
113. Twin District Volunteer Fire Co. to Town Clerk -
Request for change in roster. DISPOSITION = Resolution 3/15/10

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER AQUINO AND CARRIED, the meeting was adjourned at 8:35 P.M. in memory of John E. Kelly and Rose T. Arena.

Signed _____

Johanna M. Coleman, Town Clerk